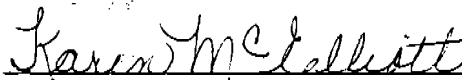


DECISION AND ORDER OF THE BOARD

The voluntary surrender of Physician's and Surgeon's Certificate No. A-26567, by respondent Richard Woodburn, M.D. is accepted by the Medical Board of California, Division of Medical quality. Accusation No. D-5530 is withdrawn without prejudice. An effective date of January 9, 1995, has been assigned to this Decision and Order.

Made this 9th day of December, 1994.



Karen McElliot  
Division of Medical Quality

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
Supervising Deputy Attorney General  
3 FRED A. SLIMP II  
Deputy Attorney General  
4 1515 K Street, Suite 511  
P.O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 324-7861

6 Attorneys for Complainant  
7

8 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA  
11

12 In the Matter of the Accusation	)	No. D-5530
Against:	)	
13	)	OAH No. N9312016
Richard Woodburn, M.D.	)	
14 115 Westcourt Lane	)	STIPULATION FOR VOLUNTARY
San Antonio, TX 78257	)	SURRENDER OF LICENSE
15	)	
Physician's and Surgeon's	)	
16 Certificate No. A-26567	)	
17 Respondent.	)	
18	)	

19 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE  
20 PARTIES TO THE ABOVE-ENTITLED MATTER THAT:

21 1. Dixon Arnett, complainant, is the Executive  
22 Director of the Medical Board of California (hereinafter the  
23 "Board") and is represented by Daniel E. Lungren, Attorney  
24 General of the State of California, and by Fred A. Slimp II,  
25 Deputy Attorney General.

26 2. Richard Woodburn, M.D. (hereinafter "respondent"),  
27 is represented in this administrative disciplinary proceeding

1 before the Board by Douglas B. Cone, Esq. and has counseled with  
2 Mr. Cone concerning the effect of this stipulation which  
3 respondent has carefully read and fully understands.

4           3. At all times mentioned herein, respondent has been  
5 licensed by the Board as a physician and surgeon, Certificate No.  
6 A-26567. Said license was issued by the Board on March 7, 1975,  
7 and has been current and clear since date of issuance.

8           4. On or about November 10, 1993, complainant in his  
9 official capacity as Executive Director of the Board filed  
10 Accusation No. D-5530 against respondent. A true and correct  
11 copy of Accusation No. D-5530 is attached hereto as Attachment  
12 "A" and incorporated herein by reference as if fully set forth at  
13 this point.

14           5. Respondent was duly served with a copy of the  
15 Accusation, Statement to Respondent, Request for Discovery, form  
16 Notice of Defense and copies of Government Code sections 11507.5,  
17 11507.6 and 11507.7 as required by sections 11503 and 11505, and  
18 respondent filed a Notice of Defense within the time allowed by  
19 section 11506.

20           6. Respondent is fully aware of the charges and  
21 allegations contained in Accusation No. D-5530 having been fully  
22 advised of same by his attorney of record, Mr. Douglas B. Cone,  
23 Esq. Respondent understands that the charges and allegations  
24 contained in Accusation No. D-5530 would, if proved, constitute  
25 cause for imposing discipline upon respondent's physician's and  
26 surgeon's certificate heretofore issued by the Board.

27 / / /

1           7.   Respondent and his counsel are aware of each of  
2 respondent's rights, including the right to a hearing on the  
3 charges and allegations, the right to confront and cross-examine  
4 witnesses who would testify against respondent, the right to  
5 present evidence in his favor and call witnesses on his behalf,  
6 or to testify himself, the right to contest the charges and  
7 allegations, and any other rights which may be accorded to  
8 respondent pursuant to the California Administrative Procedure  
9 Act (Gov. Code, § 11500 et seq.), the right to reconsideration,  
10 review by the superior court, and to appeal to any other court.  
11 Respondent has been fully advised of his rights by his attorney  
12 of record, Mr. Douglas B. Cone, Esq.

13           8.   Respondent, having the benefit of counsel, hereby  
14 freely, voluntarily and intelligently waives his rights to a  
15 hearing, reconsideration, appeal, and any and all other rights  
16 which may be accorded him pursuant to the Administrative  
17 Procedure Act and California Code of Civil Procedure with regard  
18 to Accusation No. D-5530.

19           9.   Respondent understands that by signing this  
20 stipulation, rather than contesting the charges and allegations  
21 contained in Accusation No. D-5530, he is permitting the Board to  
22 issue its order accepting the voluntary surrender of his  
23 physician's and surgeon's certificate without further opportunity  
24 to be heard or formal proceeding.

25           10.   Respondent hereby voluntarily surrenders his  
26 Physician's and Surgeon's Certificate No. A-26567 to the Board  
27 for its formal acceptance.

1           11. Upon acceptance of the stipulation by the Board,  
2 respondent agrees to surrender and cause to be delivered to the  
3 Board his certification.

4           12. Respondent fully understands that when the Board  
5 accepts the voluntary surrender of his Physician's and Surgeon's  
6 Certificate No. A-26567, he will no longer be permitted to  
7 practice medicine in the State of California.

8           13. In consideration of the foregoing stipulations and  
9 recitals, the Board, upon formal acceptance of respondent's  
10 formal surrender herein, agrees to dismiss Accusation No.  
11 D-5530, currently pending against respondent.

12           14. Respondent fully understands that should he ever  
13 reapply for a physician's and surgeon's certificate, or apply for  
14 any other related license, in the State of California, all of the  
15 charges and allegations contained in Accusation No. D-5530 shall  
16 be deemed admitted by respondent and true and correct for the  
17 purpose of any Statement of Issues or any other proceeding  
18 concerning re-application by respondent.

19           15. This stipulation for voluntary surrender of  
20 respondent's physician's and surgeon's certificate is intended to  
21 be an integrated writing memorializing the complete agreement of  
22 the parties herein.

23           16. In the event the stipulation is rejected for any  
24 reason by the Board, it will be of no force or effect for either  
25 party.

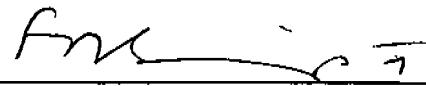
26 / / /

27 / / /

1 I concur in the stipulation and order.

2 DATED: October 26, 1994

3 DANIEL E. LUNGREN, Attorney General  
4 of the State of California  
5 JANA L. TUTON, Supervising Deputy  
6 Attorney General

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8 FRED A. SLIMP II  
9 Deputy Attorney General  
10 Attorneys for Complainant  
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1 I, Richard Woodburn, M.D., have read the stipulation,  
2 and I have discussed the terms of that stipulation and its effect  
3 upon my certificate with my attorney. I understand and  
4 acknowledge that in signing the stipulation, I am waiving and  
5 giving up my right to an administrative hearing on the charges  
6 and allegations in the Accusation which is currently pending, and  
7 agree to be bound by the terms and conditions of the stipulation  
8 and order.

9 I understand and acknowledge that by the terms of the  
10 stipulation, not later than thirty (30) days after the acceptance  
11 of this stipulation by the Division of Medical Quality, I am  
12 required to surrender my physician's and surgeon's certificate.

13 I further understand that in surrendering my  
14 certificate, I will lose all rights and privileges associated  
15 with being a physician and surgeon in the State of California,  
16 except that I will retain the right to apply for a certificate  
17 again as a new applicant. I understand I have waived the right  
18 to petition the Division of Medical Quality for reinstatement as  
19 a physician and surgeon. I understand that, in order to obtain a  
20 certificate as a physician and surgeon, I must establish to the  
21 Division's satisfaction that I am not a threat to the public's  
22 health, safety and welfare. I further understand that I will  
23 bear the burden of proof on this issue in all subsequent  
24 proceedings before the Division.

25 DATED: 2/2/94

26   
27 RICHARD WOODBURN, M.D.

1 I have read and reviewed the foregoing stipulation, and  
2 have discussed it with my client. I am satisfied that he  
3 understands the terms and conditions and agrees to be bound by  
4 them.

5  
6 DATED: Feb 2, 84

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8 DOUGLAS B. CONE, ESQ.

9 Attorney for Respondent  
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1 DANIEL E. LUNGREN, Attorney General  
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6 Attorneys for Complainant  
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8 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA  
11

12 In the Matter of the Accusation ) No. D - 5530  
Against: )  
13 ) ACCUSATION  
Richard Woodburn, M.D. )  
14 115 Westcourt Lane )  
San Antonio, TX 78257 )  
15 )  
Physician's and Surgeon's )  
16 Certificate No. A-26567 )  
17 Respondent. )

18 Dixon Arnett, for causes for discipline, alleges:  
19

20 1. Complainant Dixon Arnett makes and files this  
21 accusation solely in his official capacity as Executive Director  
22 of the Medical Board of California (hereinafter referred to as  
the "Board") and not otherwise.

23 2. On March 7, 1975, the Medical Board of California  
24 issued Physician's and Surgeon's Certificate Number A-26567 to  
25 respondent Richard Woodburn, M.D. (hereinafter "respondent").  
26 The certificate will expire March 31, 1995, unless otherwise  
27 renewed.

1           3.    Under Business and Professions Code section 2234,  
2 the Division of Medical Quality shall take action against any  
3 licensee who is charged with unprofessional conduct.

4           4.    Under Business and Professions Code section 2305,  
5 the revocation, suspension, or other discipline by another state  
6 of a license or certificate to practice medicine issued by that  
7 state shall constitute unprofessional conduct against a licensee  
8 in this state.

9           5.    Respondent has subjected his physician's and  
10 surgeon's certificate to discipline under Business and  
11 Professions Code sections 2234 and 2305 on the grounds of  
12 unprofessional conduct in that by stipulation and order of  
13 August 5, 1992, the Arizona Board of Medical Examiners prohibited  
14 respondent from practicing medicine in Arizona without previously  
15 notifying the Arizona Board of his intent to do so and meeting  
16 with the Arizona Board at one of its regularly scheduled  
17 quarterly meetings. (See attached Exhibit "A".)

18           WHEREFORE, complainant prays that a hearing be held  
19 and that the Medical Board of California make its order:

20           1.    Revoking or suspending Physician's and Surgeon's  
21 Certificate Number A-26567, issued to Richard Woodburn, M.D.;

22           2.    Prohibiting Richard Woodburn, M.D. from supervising  
23 physician assistants; and

24   /   /   /

25   /   /   /

26   /   /   /

27   /   /   /

1                   3. Taking such other and further action as may be  
2 deemed appropriate.

3                   DATED: November 10, 1993

4                   

5                   DIXON ARNETT  
6                   Executive Director  
7                   Medical Board of California  
8                   Department of Consumer Affairs  
9                   State of California

10                  Complainant  
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EXHIBIT A



Governor  
Fife Symington

Chairman  
Nicholas J. Soldo, M.D.

Vice Chairman  
Barry A. Friedman, M.D.

Secretary  
Burton N. Drucker

# THE ARIZONA BOARD OF MEDICAL EXAMINERS

2001 West Camelback Road, Suite 300 • Phoenix, Arizona 85015

Telephone (602) 255-3751

NEW ADDRESS  
EFFECTIVE: JUNE 28, 1993

ARIZONA BOARD OF MEDICAL EXAMINERS  
1651 E. Monen Ave. / Ste. 210  
Phoenix, Arizona 85020

Executive Director  
Douglas N. Cerf

Assistant Director for  
Licensure and  
Administration  
Mark R. Speicher

RECEIVED  
JUL 07 1993

EXAMINER'S  
LICENSE PAID

## STATE OF ARIZONA

### BOARD OF MEDICAL EXAMINERS

June 21, 1993

I, MARK R. SPEICHER, Assistant Director of the Board of Medical Examiners of the State of Arizona, hereby certify that the annexed document, to-wit:

#### STIPULATION AND ORDER

August 5, 1992

is a true copy of the original document as it appears on the records and in the files of this Board. In the Matter of RICHARD WOODBURN, M.D., Holder of License No. 16800 For the Practice of Medicine in the State of Arizona.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Board of Medical Examiners of the State of Arizona to be affixed, the day and year first above written.

MARK R. SPEICHER  
Assistant Director

[S E A L]

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

In the Matter of )

RICHARD WOODBURN, M.D. )

Holder of License No. 16800 )  
For the Practice of Medicine )  
In the State of Arizona. )

STIPULATION AND ORDER

In confirmation of the voluntary agreement made between RICHARD WOODBURN, M.D., and the Board of Medical Examiners of the State of Arizona ("Board");

IT IS HEREBY STIPULATED AND AGREED by and between RICHARD WOODBURN, M.D., holder of License No. 16800 and the Board, pursuant to A.R.S. §32-1451(G)(5), that the accompanying Order shall be entered in the above-entitled matter and be effective as of August 1, 1992. RICHARD WOODBURN, M.D. acknowledges that any violation of said Order constitutes unprofessional conduct within A.R.S. §32-1401(21)(r), and may result in disciplinary action pursuant to A.R.S. §32-1451.

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

  
DOUGLAS N. CERF

Dated: August 5, 1992

RICHARD WOODBURN, M.D.  
License No. 16800

  
RICHARD WOODBURN, M.D.

Dated: 8/1/92

ORDER

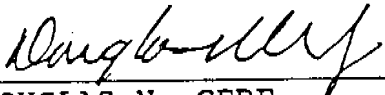
Pursuant to the foregoing Stipulation; and, in order to protect the public and ensure the physician's ability safely to engage in the practice of medicine, the Board enters the following Order:

1. RICHARD WOODBURN, M.D. shall not practice medicine in the State of Arizona until after he has given the Board notice of his intent to practice in the State of Arizona and after he has met with the Board at one of its quarterly meetings.

ENTERED this 5 day of August, 1992.

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

[ S E A L ]

By   
DOUGLAS N. CERF  
Executive Director